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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**NOTICE OF HEARING RE
OMNIBUS OBJECTIONS OF
USACM TRUST TO
UNALLOCATED AMOUNTS OF
PROOFS OF CLAIM**

Date of Hearing: August 30, 2011

Time of Hearing: 10:30 a.m.

Estimated Time For Hearing: 10 minutes

**THE USACM LIQUIDATING TRUST IS OBJECTING TO A PORTION OF
THE CLAIM THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW
YOUR CLAIM TO THE EXTENT THE TOTAL AMOUNT CLAIMED ON THE
FACE OF THE PROOF OF CLAIM EXCEEDS THE AMOUNTS SET FORTH IN
EXHIBITS TO THE PROOF OF CLAIM. THIS OBJECTION DOES NOT
RELATE TO AND WILL NOT IMPACT YOUR CLAIM OR RIGHT TO
REPAYMENT ON YOUR INVESTMENT OR TO SHARE IN ANY PROCEEDS
GENERATED FROM THE SALE OF THE REAL PROPERTY SECURING YOUR
LOAN.**

**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS**

1 **REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM**
2 **SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
3 **CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN**
4 **HINDERAKER (520-629-4430).**

5 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
6 through its counsel, has filed its Omnibus Objections to Unallocated Amounts of Proofs of
7 Claim (with Certificate of Service) (the “Objection”). Your Proof of Claim number and
8 other information regarding your claim is provided in **Exhibit A**, attached to the
9 Objection. The USACM Liquidating Trust has requested that this Court enter an order,
10 pursuant to section 502 of title 11 of the United States Code (the “Bankruptcy Code”) and
11 Rule 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”),
12 disallowing your Proof of Claim to the extent it exceeds the amounts set forth in exhibits
13 to the proof of claim, the “Unallocated Amount”. The Objection does not relate to and
14 will not impact your right to repayment on your Investments or to share in any proceeds
15 generated from the sale of the real property securing your loan.

16 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
17 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
18 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
19 **August 30, 2011, at the hour of 10:30 a.m.**

20 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON AUGUST**
21 **30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
22 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
23 **HEARD ON THAT DATE.**

24 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
25 response to the objection must be filed and service must be completed no later than
26

fourteen (14) days preceding the hearing date. The opposition must set forth all relevant facts and any relevant legal authority.

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: July 24, 2011.

LEWIS AND ROCA LLP

By s/ John Hinderaker (AZ 18024)

Robert M. Charles, Jr., NV 6593

John Hinderaker, AZ 18024 (*pro hac vice*)

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E-mail: JHinderaker@lrlaw.com

Attorneys for the USACM Liquidating Trust

Copy of the foregoing deposited on July 24, 2011, in the U.S. Mail, first class postage prepaid, to all parties listed on Exhibit A attached to the objection.

LEWIS AND ROCA LLP

s/ Matt Burns

Matt Burns